

F. JAMES SENSENBRENNER, JR., Wisconsin  
CHAIRMAN

HENRY J. HYDE, Illinois  
HOWARD COBLE, North Carolina  
LAMAR S. SMITH, Texas  
ELTON GALLEGLY, California  
BOB GOODLATTE, Virginia  
STEVE CHABOT, Ohio  
WILLIAM L. JENKINS, Tennessee  
CHRIS CANNON, Utah  
SPENCER BACHUS, Alabama  
JOHN N. HOSTETTLER, Indiana  
MARK GREEN, Wisconsin  
RIC KELLER, Florida  
MELISSA A. HART, Pennsylvania  
JEFF FLAKE, Arizona  
MIKE PENCE, Indiana  
J. RANDY FORBES, Virginia  
STEVE KING, Iowa  
JOHN R. CARTER, Texas  
TOM PEENEY, Florida  
MARSHA BLACKBURN, Tennessee

ONE HUNDRED EIGHTEENTH CONGRESS

# Congress of the United States

## House of Representatives

### COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

JOHN CONYERS, JR., Michigan  
RANKING MEMBER

HOWARD L. Berman, California  
RICK BOUCHER, Virginia  
JERROLD NADLER, New York  
ROBERT C. "BOBBY" SCOTT, Virginia  
MELVIN L. WATT, North Carolina  
ZOE LOFGREN, California  
SHEILA JACKSON LEE, Texas  
MAXINE WATERS, California  
MARTIN T. MEEHAN, Massachusetts  
WILLIAM D. DELAHUNT, Massachusetts  
ROBERT WEXLER, Florida  
TAMMY BALDWIN, Wisconsin  
ANTHONY D. WERNER, New York  
ADAM B. SCHIFF, California  
LINDA T. SANCHEZ, California

June 18, 2003

The Honorable John Ashcroft  
Attorney General of the United States  
U.S. Department of Justice  
10<sup>th</sup> and Constitution Avenue, N.W.  
Washington, DC 20530

Dear Mr. Attorney General:

After reviewing documents released by the Department of Homeland Security Inspector General late last night, we are concerned that the Department of Public Safety ("DPS") may be involved in covering up the identity of the individual or individuals that prompted the DPS to mislead the Department of Homeland Security into using its terrorism fighting resources for partisan purposes. This conduct may constitute a violation of federal criminal laws pertaining to obstruction of justice and we ask that you open up an immediate investigation into these matters.

First, a "Memorandum of Activity" for a "personal interview" with a Member of the DPS (the identity of the interviewee has been redacted) raises substantial concerns. At the outset, it appears clear that DPS representatives were uncooperative with DHS investigators:

"During questioning of [redacted] the DHS-OIG was consistently interrupted and challenged by DPS participants that questions were not within the scope of the DHS-OIG investigation. The DPS asked the OIG if (redacted) would be given a Miranda warning. The OIG advised the DPS that (redacted) would not be given Miranda warnings since (redacted) was only a witness regarding a DHS-OIG investigation." IN03-OIG-LA-0662, page 1.

We would hope you agree that it is extremely troubling that a public safety officer, who apparently believes he has knowledge of criminal activity, would choose to obscure such facts to federal investigators.

Second, this public safety officer revealed that there were several individuals who requested that he contact Homeland Security to look for the plane, but refused to provide the identities of those individuals:

“(Redacted) said several individuals requested (redacted) to look for the airplane. At that point in the interview (redacted) asked (redacted) and (redacted) if (he or she) had to answer the question regarding who requested (redacted) to look for the airplane. (Redacted) advised that this question was outside the scope of the DHS-OIG investigation. The DHS-OIG informed (redacted) that this question was pertinent to the investigation; however, the DHS-OIG could not compel (redacted) to answer. (Redacted) declined to answer the question.” IN03-OIG-LA-0662, page 1.

As you know, it has been alleged that high ranking state and federal officials prompted DPS to contact homeland security. This DPS officer’s apparent reluctance to reveal the names of “several individuals” lends further credence to that claim.

Finally, the same officer declined to reveal who shredded notes from conversations regarding the missing airplane:

“(Redacted) was questioned regarding any notes taken regarding the missing airplane. (Redacted) said (redacted) noted from (redacted) conversations regarding the missing airplane with USCS were shredded. (Redacted) said (he or she) did not shred the notes. (Redacted) said (he or she) does not recall who (he or she) gave the notes to for shredding.” IN03-OIG-LA-0662, page 2.

Because the OIG’s investigation of this matter was an official proceeding, all of these actions by this officer may well constitute a violation of federal obstruction of justice laws, which provide in part, that it is illegal to “knowingly . . . engage[] in misleading conduct toward another person, with intent to . . . alter, destroy, mutilate, or conceal an object with the intent to impair the object’s integrity or availability for use in an official proceeding or . . . otherwise obstruct[], influence[], or impede any official proceeding or attempt[] to do so.” 18 U.S.C. § 1512.

We ask that you open an immediate investigation into this conduct. Should you have any questions or concerns about this request, please feel free to contact us through the House

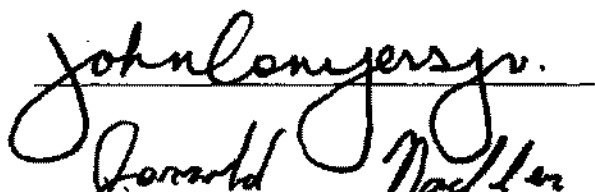
The Honorable John Ashcroft


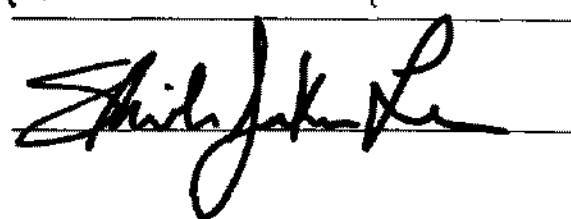
June 18, 2003

Page 3

Judiciary Committee Staff, 2142 Rayburn House Office Building, tel. 202-225-6504, fax 202-225-4423.

Sincerely,

  
John Longmeyer, Jr.  
General Counsel

  
Robert Wexler  
  
Elizabeth Johnson

cc: F. James Sensenbrenner, Jr., Chairman  
House Judiciary Committee

Will Moschella, Assistant Attorney General,  
Legislative Affairs